

**Notice of Allowability**

Application No.

09/992,988

Applicant(s)

COHEN ET AL.

Examiner

Art Unit

Huyen X. Vo

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/19/2006.
2. ☒ The allowed claim(s) is/are 6-19 and 25-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with applicant's representative, Mr. Thomas Issaacson, on 7/23/2007. The application has been amended as follows:

In claims 25-33, replace the term "machine-readable medium" in line 1 with – computer-readable memory –.

In claim 28, replace the term "computer-readable medium" in line 3 with – computer-readable memory –.

### ***Allowable Subject Matter***

2. Claims 6-19 and 25-33 are allowed over prior art of record. The following is an examiner's statement of reasons for allowance: Bayya e al. (US 5684921) disclose a method, apparatus, and computer-readable medium for verifying that a message received from comprising: receiving the message from the user (*col. 110 in figure 1*); measuring a speech level of the user's message (*element 112 in figure 1*); determining whether the measured speech level of the message is below a pre-determined speech

level threshold (*col. 4, line 54 to col. 5, line 21*); measuring a signal-to-noise ratio of the user's message (*col. 4, lines 1-35*); determining whether the measured signal-to-noise ratio of the message is below a pre-determined signal-to-noise ratio threshold (*col. 5, lines 17-21*); calculating an estimate of intelligibility for the user's message (*col. 5, lines 1-21*); and determining whether the calculated estimate of intelligibility is below an intelligibility threshold (*col. 5, lines 1-21*); and transmitting a signal to user indicating noise level (*element 118 in figure 1*). Bossemeyer, Jr. (US 6249760) teaches the step of prompting the user to repeat at least a portion of the message if any of the measured speech level, measured signal-to-noise ratio and calculated estimate of intelligibility of the user's message are determined to be below their respective thresholds (*the operation of figure 11, whenever the SNR falls below a certain threshold value, the user is prompted to repeat*). Both Bayya et al. and Bossemeyer Jr. fail to disclose the combination of the steps of determining whether any portion of the user's message contains important information; recognizing the portion of the user's message that contains the important information; calculating the estimate of intelligibility for the recognized portion of the user's message that contains the important information, wherein the estimate of intelligibility indicates the degree to which the recognized important information is intelligible; comparing the calculated estimate of intelligibility for the recognized portion of the user's message that contains the important information with the intelligibility threshold; and if the calculated estimate of intelligibility for the recognized portion of the user's message that contains the important information is below the intelligibility threshold, prompting the user to repeat the portion of the user's

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message determined to contain the important information; and prompting the user to repeat at least a portion of the message if any of the measured speech level, measured signal-to-noise ratio and calculated estimate of intelligibility of the user's message are determined to be below their respective thresholds. Furthermore, it would have not been obvious to one of ordinary skill in the art at the time of invention to modify Bayya et al. and/or Bossemeyer Jr. to obtain the claimed invention. Therefore, claims 6-19 and 25-33 are allowed over prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huyen X. Vo whose telephone number is 571-272-7631. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HXV

7/23/2007

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